



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,529	01/22/2002	Joel D. Peshkin	210149.415	9593

500 7590 05/31/2005

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

EXAMINER

SERRAO, RANODHI N

ART UNIT PAPER NUMBER

2141

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,529

Applicant(s)

PESHKIN ET AL.

Examiner

Ranodhi Serrao

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.
2. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
3. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2141

5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (6,366,578).
6. As per claim 1, Johnson teaches a system comprising: a host processor operably coupled with a broadcast-capable switch (column 10, line 63-column 11, line 18); a first broadcast-packet-processing device operably coupled with the broadcast-capable switch (column 11, lines 19-27); a second broadcast-packet-processing device operably coupled with the broadcast-capable switch (column 11, lines 28-37); and at least one of the first broadcast-packet-processing device and the second broadcast-packet-processing device operably coupled with the host processor (column 12, lines 35-61).
7. As per claim 2, Johnson teaches a system wherein said at least one of the first broadcast-packet-processing device and the second broadcast-packet-processing device operably coupled with the host processor comprises: the first broadcast-packet-processing device and the second broadcast-packet-processing device operably coupled with the host processor (column 12, lines 35-61).
8. As per claim 3, Johnson teaches a system wherein said at least one of the first broadcast-packet-processing device and the second broadcast-packet-processing device operably coupled with the host processor comprises: the first broadcast-packet-processing device operably coupled with the host processor (column 11, lines 28-37); and the second broadcast-packet-processing device operably coupled with the first broadcast-packet-processing device (column 10, line 63-column 11, line 18).
9. As per claim 4, Johnson teaches a system wherein said broadcast-capable switch comprises: an Ethernet-capable switch (column 15, lines 28-49).

Art Unit: 2141

10. As per claim 5, Johnson teaches a system wherein said Ethernet-capable switch comprises: a shared medium Ethernet switch (column 12, line 62-column 13, line 6).

11. As per claim 6, Johnson teaches a system wherein said Ethernet-capable switch comprises: a non-shared medium Ethernet switch (column 9, line 63-column 10, line 20).

12. As per claims 7 and 9, Johnson teaches an Ethernet-broadcast-packet-processing device and an Ethernet-capable switch operable coupled by a shared medium (column 11, line 41-column 12, line 23 and column 3, lines 18-41).

13. As per claims 8 and 10, Johnson teaches an Ethernet-broadcast-packet-processing device and an Ethernet-capable switch operably coupled by a non-shared medium (column 11, line 41-column 12, line 23 and column 3, lines 18-41).

14. As per claim 11, Johnson teaches a system wherein said first broadcast-packet-processing device comprises: an address-assignment-recognition device (column 7, lines 21-47).

15. As per claim 12, Johnson teaches a system wherein said second broadcast-packet-processing device comprises: an address-assignment-recognition device (column 7, lines 21-47).

16. Claims 53-58 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Toole et al. (6,345,294).

Art Unit: 2141

17. As per claims 53 and 56, O'Toole et al. teaches a system and a method comprising: receiving a broadcast packet having an initial boot-up message (column 6, line 66-column 7, line 7 and column 11, lines 8-25).

18. As per claims 54 and 57, O'Toole et al. teaches a system and a method, wherein said receiving a broadcast packet having an initial boot-up message comprises: executing boot-control code (column 6, line 66-column 7, line 7); and sending an acknowledgment upon completion of said executing the boot-control code (column 12, lines 14-21).

19. As per claims 55 and 58, O'Toole et al. teaches a system and a method, wherein said receiving a broadcast packet having an initial boot-up message comprises: determining that boot-control code has previously been executed; and sending an acknowledgment (column 12, lines 42-64).

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

21. Claims 13-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (5,862,338).

22. As per claims 13 and 21, Walker et al. teaches a method comprising: directing at least one of a first broadcast-packet-processing device and a second broadcast-packet-processing device to enter an ignore-initial-address-assignment mode (column 6, line

Art Unit: 2141

52-column 7, line 10); directing the first broadcast-packet-processing device to enter a process-initial-address-assignment mode (column 50, lines 15-37); transmitting a broadcast packet containing payload having an address-assignment message intended for the first broadcast-packet-processing device (column 55, lines 26-36); directing the second broadcast-packet-processing device to enter a process-initial-address-assignment mode (column 8, line 59-column 9, line 24); and transmitting a broadcast packet containing payload having an address-assignment message intended for the second broadcast-packet-processing device (column 55, lines 37-61).

23. As per claims 14 and 22, Walker et al. teaches a method wherein said directing a first broadcast-packet-processing device and a second broadcast-packet-processing device to enter an ignore-initial-address-assignment mode comprises: forcing a first attend-ignore line associated with the first broadcast-packet-processing device into an ignore value (column 57, lines 1-17); and forcing, substantially simultaneously with said forcing the first attend-ignore line, a second attend-ignore line associated with the second broadcast-packet-processing device into an ignore value (column 26, lines 36-60).

24. As per claims 15 and 23, Walker et al. teaches a method, wherein said directing a first broadcast-packet-processing device and a second broadcast-packet-processing device to enter an ignore-initial-address-assignment mode comprises: forcing a first attend-ignore line associated with the first broadcast-packet-processing device into an ignore value (column 57, lines 1-17); and forcing, sequential to said forcing the first

Art Unit: 2141

attend-ignore line, a second attend-ignore line associated with the second broadcast-packet-processing device into an ignore value (column 53, lines 1-23).

25. As per claims 16 and 24, Walker et al. teaches a method, wherein said directing the first broadcast-packet-processing device to enter a process-initial-address-assignment mode comprises: forcing a first attend-ignore line associated with the first broadcast-packet-processing device into an attend value (column 13, lines 11-26).

26. As per claims 17 and 25, Walker et al. teaches a method, wherein said directing the second broadcast-packet-processing device to enter a process-initial-address-assignment mode comprises: forcing a second attend-ignore line associated with the second broadcast-packet-processing device into an attend value (column 13, lines 34-55).

27. As per claims 18 and 26, Walker et al. teaches a method, wherein said forcing a second attend-ignore line associated with the second broadcast-packet-processing device into an attend value comprises: the first broadcast-packet-processing device forcing the second attend-ignore line associated with the second broadcast-packet-processing device into the attend value (column 11, lines 14-39).

28. As per claims 19 and 27, Walker et al. teaches a method, wherein said transmitting a broadcast packet containing payload having an address-assignment message intended for the first broadcast-packet-processing device comprises: transmitting a broadcast packet containing payload having an address-assignment message intended for the first broadcast-packet-processing device until an

Art Unit: 2141

acknowledgment from the first broadcast-packet-processing device is received (column 20, lines 24-44).

29. As per claims 20 and 28, Walker et al. teaches a method, wherein said transmitting a broadcast packet containing payload having an address-assignment message intended for the second broadcast-packet-processing device comprises: transmitting a broadcast packet containing payload having an address-assignment message intended for the second broadcast-packet-processing device until an acknowledgment from the second broadcast-packet-processing device is received (column 21, lines 10-32).

30. Claims 29-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Krause et al. (5,590,285).

31. As per claims 29 and 34, Krause et al. teaches a method comprising: receiving a broadcast packet containing payload having an specific-address assignment message (column 2, lines 50-56).

32. As per claims 30 and 35, Krause et al. teaches a method, wherein said receiving a broadcast packet containing payload having a specific-address assignment message comprises: receiving a broadcast packet containing payload having an specific Media Access Control (MAC) address assignment message (column 2, line 57-column 3, line 8).

33. As per claims 31 and 36, Krause et al. teaches a method, wherein said receiving a broadcast packet containing payload having a specific-address assignment message

Art Unit: 2141

comprises: accepting an address assignment as indicated by the specific-address assignment message (column 8, lines 7-17); and sending an acknowledgment upon completion of said accepting the address assignment as indicated by the specific-address assignment message (column 5, lines 45-57).

34. As per claims 32 and 37, Krause et al. teaches a method, wherein said receiving a broadcast packet containing payload having a specific-address assignment message comprises: recognizing that an address assignment as indicated by the specific-address assignment message has already been achieved (column 11, lines 3-9); and sending an acknowledgment of the address assignment indicated by the specific-address assignment message (column 11, line 66-column 12, line 14).

35. As per claims 33 and 38, Krause et al. teaches a method, wherein said receiving a broadcast packet containing payload having a specific-address assignment message comprises: determining that an address assignment different from the specific-address has previously been accepted (column 17, lines 16-48); and ignoring the specific-address assignment message (column 17, lines 49-60).

36. Claims 39-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker (6,081,852).

37. As per claim 39, Baker teaches a system comprising: a host processor operably coupled with a packet switch (column 6, lines 13-23 and column 29, lines 35-50); a first multi-channel device, having a Slave Initial Boot Packet Processing Device, operably coupled with the packet switch (column 7, lines 10-27); and a second multi-channel

Art Unit: 2141

device, having a Slave Initial Boot Packet Processing Device, operably coupled with the packet switch (column 5, lines 14-25).

38. As per claim 40, Baker teaches a system, wherein said first multi-channel device is substantially indistinguishable from said second multi-channel device (figure 1, items 30 and 32).

39. As per claim 41, Baker teaches a system, wherein said first multi-channel device is substantially indistinguishable from said second multi-channel device comprises: said first multi-channel device having a first a boot-control code Read Only Memory (column 4, lines 25-44); and said second multi-channel device having a second boot-control code Read Only Memory substantially similar to the first boot-control code Read Only Memory (column 5, line 51-column 6, line 4).

40. Claims 45-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Cowan (5,848,064).

41. As per claims 45 and 49, Cowan teaches a method comprising: initiating, at a host processor, transmission of a packet having an initial boot-up message (column 6, lines 9-40).

42. As per claims 46 and 50, Cowan teaches a method, wherein said initiating, at a host processor, transmission of a packet having an initial boot-up message comprises: transmitting the packet having the initial boot-up message (column 7, line 62-column 8, line 4).

Art Unit: 2141

43. As per claims 47 and 51, Cowan teaches a method, wherein said transmitting the packet having the initial boot-up message comprises: retransmitting the packet having the initial boot-up message until acknowledgements associated with substantially all addresses in a set of assigned addresses have been received (column 8, lines 19-32 and column 12, line 60-column 13, line 14).

44. As per claims 48 and 52, Cowan teaches a method, wherein said retransmitting the packet having the initial boot-up message until acknowledgements associated with substantially all addresses in a set of assigned addresses have been received comprises: receiving one or more acknowledgments associated with one or more addresses (column 8, lines 19-32 and column 12, line 60-column 13, line 14); adding the one or more addresses to a set of received addresses, if the one or more addresses are not already represented in the set of received addresses (column 11, lines 3-23); and comparing the set of received addresses against a set of assigned addresses (column 10, line 59-column 11, line 2).

Claim Rejections - 35 USC § 103

45. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2141

46. Claims 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (6,081,852) as applied to claim 39 above, and further in view of Brooks et al. (2001/0039600).

47. As per claim 42, Baker teaches the mentioned limitations of claim 39 above but fails to teach a system, wherein said first multi-channel device, having a Slave Initial Boot Packet Processing Device, operably coupled with the packet switch comprises: a first packet-processing device, having an assigned address, uniquely coupled with the first multi-channel device. However, Brooks et al. teaches a system, wherein said first multi-channel device, having a Slave Initial Boot Packet Processing Device, operably coupled with the packet switch comprises: a first packet-processing device, having an assigned address, uniquely coupled with the first multi-channel device (see Brooks et al. paragraph 0031). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of claim 39 to a system, wherein said first multi-channel device, having a Slave Initial Boot Packet Processing Device, operably coupled with the packet switch comprises: a first packet-processing device, having an assigned address, uniquely coupled with the first multi-channel device in order to minimize system latency and data buffering for certain peripherals.

48. As per claim 43, Baker teaches the mentioned limitations of claim 39 above but fails to teach a system, wherein said second multi-channel device, having a Slave Initial Boot Packet Processing Device, operably coupled with the packet switch comprises: a second packet-processing device having an assigned address, uniquely coupled with the first multi-channel device. However, Brooks et al. teaches a system, wherein said

second multi-channel device, having a Slave Initial Boot Packet Processing Device, operably coupled with the packet switch comprises: a second packet-processing device having an assigned address, uniquely coupled with the first multi-channel device (see Brooks et al. paragraph 0035). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of claim 39 to a system, wherein said second multi-channel device, having a Slave Initial Boot Packet Processing Device, operably coupled with the packet switch comprises: a second packet-processing device having an assigned address, uniquely coupled with the first multi-channel device because a MAC address allows other devices in the network to locate specific ports in the network and to create and update routing tables and data structures (see Brooks et al. paragraph 0009).

49. As per claim 44, Baker teaches the mentioned limitations of claims 39 and 43 above but fails to teach a system, wherein the second packet-processing device having an assigned address comprises: the second packet-processing device having an assigned Media Access Control address. However, Brooks et al. teaches a system, wherein the second packet-processing device having an assigned address comprises: the second packet-processing device having an assigned Media Access Control address (see Brooks et al. paragraph 0035). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the systems of claims 39 and 43 to a system, wherein the second packet-processing device having an assigned address comprises: the second packet-processing device having an assigned Media Access Control address in order to allow other devices in the network to locate specific

Art Unit: 2141

ports in the network and to create and update routing tables and data structures (see Brooks et al. paragraph 0009).

Conclusion

50. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Richter et al. (5,630,061) teaches a system for enabling first computer to communicate over switched network with second computer located within LAN by using media access control driver in different modes
- Lawrence (5,758,070) teaches a system for dynamically determining a network media type of a LAN using frame type identifying value from a configuration table
- Johnson (5,809,068) teaches a PCMCIA modem
- Szkopet et al. (5,878,221) teaches a network for multimedia asynchronous transfer mode digital signal transmission and components thereof
- Pickett (6,181,694) teaches systems and methods for multiple mode voice and data communications using intelligently bridged TDM and packet busses

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

Art Unit: 2141

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER